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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/989,866	11/19/2001	Yoshitoshi Kurose	FUJO19.189	2344
26304	7590	12/12/2006	EXAMINER	
KATTEN MUCHIN ROSENMAN LLP 575 MADISON AVENUE NEW YORK, NY 10022-2585			JOO, JOSHUA	
			ART UNIT	PAPER NUMBER
			2154	
DATE MAILED: 12/12/2006				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/989,866

Applicant(s)

KUROSE ET AL.

Examiner

Joshua Joo

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 September 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 September 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Response to Amendment filed 9/26/2006

1. Claims 1-15 are presented for examination.

Response to Arguments

2. Applicant's arguments with respect to claims 1-15 have been considered but are moot in view of the new ground(s) of rejection.

Priority

3. Acknowledgment is made of applicant's claim for foreign priority based on an application filed in PCT/JP99/03588 on 7/02/1999. However, Applicant has not met the requirements for claiming foreign priority under 35 U.S.C. 119(a)-(b). A certified copy, and a translation of the certified copy if not in English, of the PCT/JP99/03588 application has not been received as required by 35 U.S.C. 119(b).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1, 6, and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Taylor, US Patent #6,785,730 (Taylor hereinafter), in view of Choquier et al, US Patent #5,774,668 (Choquier hereinafter).

6. As per claims 1, 6, and 11, Taylor teaches substantially the invention as claimed including a method, and computer-readable storage medium, where at least one first device which responds to a

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network service request transmitted by a user and at least one second device which does not support a protocol of the network service request are connected and said second device having a setting of which can be modified from outside said second device, Taylor's teachings comprising:

a network information collecting section for obtaining information about a network service provided by the first device, responsive to the network service request, by communicating with said first device (Col 6, lines 2-5; Col 8, lines 23-34. Receive incoming message and determine source protocol type and application type. Col 8, line 64-Col 9, line 10. Protocols supported by translator including RSVP and application specific protocols.);

a setting device determining section for specifying the second device which does not support the protocol of the network service request, by calculating an IP route based on information from the network information collecting section (Col 6, lines 14-15; Col 13, lines 6-9. Determine target device. Col 2, line 45-50; Col 3, lines 28-30. Devices having differing data formats and different protocols. Col 7, lines 51-53. Transmit message to the destination device. Translator would need to determine a route in order to send the message to the destination device.);

a service mapping section for mapping network service parameters for setting routing information to be set into parameter values corresponding to the second device specified by the setting device determining section (Col 7, lines 30-32. Categorizes and translates message into destination format. Col 7, lines 51-53. Transmit message to the destination device.); and

a service setting section for communicating with the second device setting the parameter values obtained by the service mapping section in the second device (Col 6, lines 31-33; Col 7, lines 51-52; Col 13, lines 45-46. Sends converted message to target device.),

thereby said service allocating device responds to the network service request by controlling the parameter values of the second device allowing the second device to provide network service

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corresponding to the network service provided by the first device, according to the service requested by the first device (Col 3, lines 14-23. Allow devices and applications to interoperate.).

7. Taylor teaches substantial features of the claimed invention. However, Taylor does not specifically teach of mapping network service parameters for setting priority-based control to be set into parameter values. Choquier teaches of a gateway for setting priority for a service (Col. 20, lines 19-26, 51-60).

8. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Taylor and Choquier because the teachings of Choquier for a gateway to map network service parameters for setting priority-based control set into parameter values would improve the system of Taylor by providing different types of services based on latency demands, thus providing a flexible and improved quality of service (Col. 20, lines 13-17).

9. Claims 2, 5, 7, 10, 12, and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Taylor and Choquier, in view of Bertin et al, US Patent #5,687,167 (Bertin hereinafter).

10. As per claim 2, 7, and 12, Taylor teaches the service allocating device according to claim 1, further comprising: a service setting storing section storing setting contents of the first and second devices which respond to previous network services (Col. 6, lines 2-5, 22-32. Recognition of protocols and application types of devices. Col. 7, lines 30-39; Col. 8, lines 64-66. Protocols supported by the protocol converter.). However, Taylor does not specifically teach a service competition calculating section in checking a competition relation between network service requests from a plurality of users based on information stored in the service setting storing section, adjusting the competition relation, and a determining the setting contents of the first and second devices so as to respond to the network service to be provided. Bertin teaches of storing priority information for network services (Col 2, line 44-53; Col

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14, lines 24-33); checking relation between network service requests from a plurality of users based on stored information; adjusting the priorities of users; and determining the setting contents to respond to the network service to provided (Col 13, line 64 – Col 14, line 37; Col 17, lines 15-25).

11. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Taylor, Choquier, and Bertin because all three teachings provide reservation of bandwidth to ensure a stable network connection. Furthermore, the teachings of Bertin of storing priority information for network services; checking relation between network service requests from a plurality of users based on stored information; adjusting the priorities of users; and determining the setting contents to respond to the network service to provided would improve the system of Taylor and Choquier by efficiently managing traffic to accommodate connections with data of different characteristics and different levels of required service.

12. As per claims 5, 10, and 15, Taylor does not teach of the service allocating device according to claim 2, further comprising: a service stoppage request generating section obtaining information about a network service provision state of the first device, detecting provision stoppage of a network service by the first device based on the network service provision state information, and generating a service stoppage request, a service setting storing section storing a plurality of setting information to the first and second devices, which correspond to a network service that existed before provision stoppage of the network service is detected, and a service competition calculating section calculating a service competition relation that is modified by the detected provision stoppage of the network service according to both the service stoppage request and storage information of the service setting storing section. Bertin teaches of a service allocating system, wherein the system stores the setting information for user connections, and is capable of modifying services based on priorities and bandwidth availability, and termination of connections (Col 13, lines 30-47; Col 14, lines 1-37).

13. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Taylor, Choquier, and Bertin because all three teachings provide reservation of bandwidth to ensure a stable network connection. Furthermore, the teachings of Bertin of storing the setting information for user connections, modifying services based on priorities and bandwidth availability, and terminating connections would improve the system of Taylor and Choquier by adjusting network services to service users based changing conditions in the network and on user requests.

14. Claims 3, 4, 8, 9, 13, and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Taylor, in view of Ricciulli, US Patent #6,275,470 (Ricciulli hereinafter).

15. As per claims 3, 8, and 13, Taylor does not specifically teach the service allocating device according to claim 1 further comprising: a priority route selecting section selecting a device for providing a higher function of a requested network service, of the first and second devices which are connected to the network, and determining a communications route through which the selected devices are connected; and a route comparison section comparing a communications used prior to a new network service request with a communications route determined by the priority route selecting section. Ricciulli teaches of selecting a route for providing a higher function of requested network service through the network nodes; determining a communications route for servicing the request; and comparing a previously used route with the newly selected route (Col 4, lines 16-53).

16. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Taylor, Choquier, and Ricciulli because the teachings of Ricciulli of selecting a route for providing a higher function of requested network service through the network nodes; determining a communications route for servicing the request; and comparing a previously used route

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with the newly selected route would improve the quality of service of the system of Taylor and Choquier by providing improved forwarding path that provides better service to user's intended destinations.

17. As per claims 4, 9, and 14, does not teach the service allocating device according to claim 3, further comprising a route setting generating section determining a communications route suitable for provision of the new network service based on a comparison result obtained by the route comparison section, which performs control so that the new network service can be provided, using a communications route determined by the route setting generating section. Ricciulli teaches of determining route suitable for provision of the new network service based on comparison results, and using the determined communications route so that the new network service can be provided (Col 4, lines 38-52).

18. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Taylor, Choquier, and Ricciulli because the teachings of Ricciulli of determining route suitable for provision of the new network service based on comparison results, and using the determined communications route so that the new network service can be provided would improve the quality of service of the system of Taylor and Choquier by providing routing changes that would improve forwarding paths and better service.

Conclusion

19. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

20. A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing

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date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

NATHAN J. FLYNN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2000

21. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joshua Joo whose telephone number is 571 272-3966. The examiner can normally be reached on Monday to Friday 7 to 4.

22. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan J. Flynn can be reached on 571 272-1915. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

23. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

December 7, 2006

JJ